

Message Text

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42

ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 SSO-00 NSCE-00 INRE-00

USIE-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 ACDA-05

TRSE-00 SAJ-01 CU-02 BIB-01 OIC-02 /073 W

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O 091525Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4445

C O N F I D E N T I A L GENEVA 5342

EO 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: DECLARATION PRINCIPLES-REFERENCE TO UNITED NATIONS
CHARTER

FOR EUR/RPM

1. WITH BREAKTHROUGH NO PEACEFUL CHANGES OF FRONTIERS FORMU-
LATION IN PRINCIPLES SUBCOMMITTEE, SECOND READING OF PRINCIPLES
SHOULD GET UNDERWAY ON JULY 9. ONE OUTSTANDING PROBLEM WHICH
MUST BE FACED WILL BE THE SEVERAL REFERENCES TO THE UNITED
NATIONS CHARTER. THESE REFERENCES ARE CURRENTLY OUTSTANDING
IN SOVERIGN EQUALITY, REFRAINING FROM THE THREAT OR
USE OF FORCE, TERRITORIAL INTEGRITY, EQUAL RIGHTS AND
SELF-DETERMINATION OF PEOPLES, AND COOPERATION PRINCIPLES.

2. WE PRESUME THAT WITH QRR DISCLAIMER WE NEED NOT BE CON-
CERNED ABOUT THE IMPACT OF CHARTER REFERENCES ON QUADRIPARTITE
RIGHTS. VARIOUS FORMULATIONS NOW UNDER CONSIDERATION AS
CHARTER REFERENCES INCLUDE "IN CONFORMITY WITH THE PURPOSES
AND PRINCIPLES OF THE UNITED NATIONS CHARTER", "IN CONFORMITY
WITH THE CHARTER OF THE UNITED NATIONS", "IN CONFORMITY WITH
THE PURPOSES OF THE UNITED NATIONS", "IN CONFORMITY
WITH INTERNATIONAL LAW" OR NO REFERENCES TO THE CHARTER

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OF ANY KIND.

3. DEPARTMENT WILL RECALL THAT PREAMBLE WILL CONTAIN A PARAGRAPH AS FOLLOWS: QUOTE: EXPRESS THEIR COMMON ADHERENCE TO THE PRINCIPLES WHICH ARE SET FORTH BELOW AND ARE IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS, AS WELL AS THEIR COMMON WILL TO ACT, IN THE APPLICATION OF THESE PRINCIPLES, IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS UNQUOTE. FINAL CLAUSES OF DECLARATION WILL ALSO CONTAIN QRR TEXT TO THE EFFECT THAT THE PRINCIPLES DECLARATION DOES NOT AFFECT RIGHTS AND OBLIGATIONS, NOR THE CORRESPONDING TREATIES, AGREEMENTS AND ARRANGEMENTS.

4. DELEGATION IS PARTICULARLY CONCERNED THAT CHARTER REFERENCE NOT PREJUDICE THE LEGITIMATE USES OF FORCE OR DISTORT IN ANY WAY THE SOVEREIGN EQUALITY PRINCIPLE. REFERENCE TO "THE CHARTER OF THE UNITED NATIONS" WOULD BE MOST DESIRABLE BUT IS CLEARLY UNOBTAINABLE. DELEGATION WOULD APPRECIATE DEPARTMENT'S COMMENTS SOONEST ON WHICH, IF ANY, OF OTHER ALTERNATES DEPARTMENT WOULD PREFER, PARTICULARLY IN NON-USE OF FORCE PRINCIPLE. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DECLARATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA05342
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750236-1049
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750774/aaaacnso.tel
Line Count: 82
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 24 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUN 2003 by ElyME>; APPROVED <03 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CSCE: DECLARATION PRINCIPLES-REFERENCE TO UNITED NATIONS CHARTER
TAGS: PFOR, XG, CSCE, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006